

GOVERNMENT OF TELANGANA
ABSTRACT

Labour Employment Training & Factories Department – Insurance Medical Services – Dr.Aruna Baharathi, Civil Assistant Surgeon, ESI Hospital, Sanathnagar located at Nacharam – Request for sanction of Pay & Allowances for the period of her prosecution Post Graduation Course in M.D. Psychiatry at Osmania Medical College, Hyderabad – Implementation of Orders Dt.30.07.2019 of the Hon'ble High Court in W.P.No.(TR) 5740 of 2017 – Sanction of Pay and Allowances – Orders – Issued.

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LABOUR EMPLOYMENT TRAINING & FACTORIES (OP&IMS) DEPARTMENT

G.O.Rt.No. 583

Dated: 20-11-2021

Read the following:-

- 1) From the Director, Insurance Medical Services, Andhra Pradesh, Hyderabad, Lr.Rc.No.4301/E1A/2008, Dt.22.09.2008.
- 2) G.O.Rt.No.724, Labour Employment Training and Factories (IMS) Department, dt:18.05.2009.
- 3) Representation from Dr.Aruna Baharathi, Civil Assistant Surgeon, ESI Hospital, Sanathnagar located at Nacharam, dt:18.07.2014.
- 4) Government Memo No.1282/OP&IMS/A2/2014, dt:22.12.2014 & 02.05.2015
- 5) From Director of Insurance Medical Services, Telangana State, Hyderabad, Lr.Rc.No.4301/E1A/2018, dt:20.03.2015 & 20.05.2015
- 6) Government Memo No.1282/OP&IMS/A2/2014, dt:09.10.2015.
- 7) Writ Petition No.5740 of 2017 filed by Dr.Aruna Baharathi, Civil Assistant Surgeon, ESI Hospital, Sanathnagar located at Nacharam
- 8) Orders Dt.30.07.2019 of Hon'ble High Court in W.P.No.(TR) 5740 of 2017.
- 9) Government Memo No.1282/OP&IMS/A2/2014, dt:26.02.2020.
- 10) From the Hon'ble High Court show cause Notice in CC No.311 / 2020 in W.P (TR) No.5740 of 2017.
- 11) Government Memo No.1282/OP&IMS/A2/2014, dt:19.03.2020.
- 12) From Government Pleader for Services-I, Lr.No.C.C.No.311/2020/ Services.I/HC, dt:27.08.2021 & 17.09.2021.
- 13) From Director of Insurance Medical Services, Telangana State, Hyderabad, Lr.Rc.No.4301/E1A/2018, dt:13.09.2021 & 01.10.2021.

ORDER:

The Director of Insurance Medical Services, Hyderabad in the letter 1st read above has submitted proposal for sanction of deputation for a period of 12 months from 12.6.2008 to 11.6.2009 and study leave without pay and allowances from 12.6.2009 to 11.6.2011 for the remaining period of two years to Dr. B.Aruna Bharathi, Civil Assistant Surgeon, ESI Hospital, Sanathnagar located at Nacharam for prosecute her P.G. Degree in M.D. Psychiatry at Osmania Medical College, Hyderabad under in-service quota.

2. In the reference 2nd read above, Government was accorded permission to the Director of Insurance Medical Services to sanction Extra Ordinary Leave from 12.6.2008 to 11.6.2011 without pay and allowances to the individual to prosecute her P.G. Degree Course for a period of three (3) years at Osmania Medical College, Hyderabad.

(P.T.O)

3. In the reference 3rd read above, Dr. B.Aruna Bharathi, Civil Assistant Surgeon has requested for sanction of pay and allowance for the period of her prosecution of P.G. Degree course from 12.6.2008 to 11.6.2011 in M.D. Psychiatry at Osmania Medical College, Hyderabad as selected under in-service quota.

4. Based on the clarification given by the Health Medical & Family Welfare (C1) Department, Government has not permitted for sanction of pay and allowances to Dr. B.Aruna Bharathi, Civil Assistant Surgeon for prosecuting P.G. Degree Course in M.D. Psychiatry in the reference 6th read above.

5. Aggrieved by the same, Dr. B.Aruna Bharathi, Civil Assistant Surgeon has filed W.P.(TR) No.5740/2017 in the Hon'ble High Court and in the reference 8th read above, the Hon'ble High Court has made the following order:

This court, having considered the rival submissions of learned counsel for the respective parties, is of the considered view that as similar issue was adjudicated and allowed by the Tribunal vide order dt:23.12.2009 in O.A.No.3292 of 2009, which was confirmed by this Court in W.P.No.5349 of 2010, dt:28.09.2010 and also by the Supreme Court in SLP No.15097 of 2011, dated:02.01.2014, the impugned rejection order dt:09.10.2015 is liable to be set aside and it is accordingly set aside and the respondents are directed to treat the study leave period of the petitioner as 'spent on duty' and pass appropriate orders in accordance with G.O.Ms.No.260, dt:10.07.1997, and G.O.Ms.No.279, dt:09.07.2001, and G.O.Ms.No.719, dt:16.12.2003 and Rule 9(6)(b)(i) of the Fundamental Rules with all consequential benefits.

6. In the reference 9th read above, Government has requested the Government Pleader for services, High Court, Hyderabad to file review petition in W.P.(TR) No.5740/2017 filed by Dr. B.Aruna Bharathi, Civil Surgeon Specialist.

7. In the reference 10th read above, the individual has filed the Contempt Petition C.C. No.311 / 2020 in W.P (TR) No.5740 / 2017 in the Hon'ble High Court. In the reference 11th read above, the Government has given VAKALATNAMA to Government Pleader for Services, High Court in Contempt Case No.311/2020 dt.28.2.2020 in W.P.(TR) No.5740/2017.

8. In the reference 12th read above, the Government Pleader for services, High court, Hyderabad has informed that the Contempt Case No. 311/2020 in W.P.(TR) No.5740/2017 has come up for hearing and requested for full Compliance Report for producing the before the Hon'ble Court next date of hearing.

9. In the reference 13th read above, the Director of Insurance Medical Services, Telangana State, Hyderabad while enclosing the Judgment copy in W.P. (TR) No.5740 of 2017 filed Dr. Aruna Bharathi, Civil Assistant Surgeon, ESI Hospital, Sanathanagar located at Nacharam has requested for necessary orders for sanction of pay and allowance for study period i.e., 12.06.2008 to 11.06.2011 to individ

10. Government after careful examination of the matter hereby decided to implement the orders of the Hon'ble High Court in W.P.No.(TR) 5740 of 2017, Dt.30.07.2019.

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11. Accordingly, Government hereby sanction the Pay & Allowances to Dr. Aruna Bharathi, Civil Assistant Surgeon, ESI Hospital, Sanathanagar located at Nacharam for the period from the date of joining of Post Graduation course in M.D. Psychiatry at Osmania Medical College, Hyderabad i.e., from 12.06.2008 to 11.06.2011.

12. The Director of Insurance Medical Services, Telangana, Hyderabad shall take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**I.RANI KUMUDINI
SPECIAL CHIEF SECRETARY TO GOVERNMENT**

To

The Director of Insurance Medical Services, Telangana, Hyderabad.

Copy to:

The individual through the Director of Insurance Medical Services, Telangana State, Hyderabad.

The Pay & Accounts Officer, Telangana, Hyderabad.

The Director of Treasuries & Accounts, Telangana, Hyderabad.

The District Treasury Officer, Telangana, Hyderabad.

The Government Pleader for Services.I (TS) , High Court, Telangana Hyderabad.

SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER